

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE  
WESTERN DISTRICT OF VIRGINIA  
HARRISONBURG DIVISION

UNITED STATES OF AMERICA            )  
  )  
  ) v. Criminal No. 5:08CR00028  
  )  
DANIEL W. PRESGRVES                )

GOVERNMENT’S RESPONSE TO DEFENDANT’S CONTINUANCE MOTION

The government strongly opposes Defendant’s Motion for Continuance. The government has notified its approximate 100 witnesses of their obligation to appear at trial, has served and interviewed a substantial number of these witnesses, and have most of the remainder scheduled for pretrial interviews this week and next week. The witnesses, prosecutors and agents have invested a tremendous amount of time preparing for the March 23<sup>rd</sup> trial date and have cleared their schedules for the four weeks required for litigation.

The defense has had more than adequate time to prepare for trial. As the Court stated in its January 23, 2008, Order “the court notes that the indictment has been pending since October 22, 2008, and that the defendant was aware of the investigation and anticipated the indictment many months prior thereto.” As to the discovery issue raised by counsel, the defense was provided the Grand Jury testimony in the first batch of documents. This material constitutes 99% of the government’s case.<sup>1</sup> As to the addition of co-counsel to the case, the extremely experienced lead trial

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<sup>1</sup>As in all large cases, new materials are discovered during pretrial preparation and these materials are immediately provided to the defense.

counsel<sup>2</sup> is a partner in a large law firm (over 325 attorneys) and presumably has daily access to a horde of eager, smart, hard working associates to assist in this case. The decision to add outside counsel at the last minute should not be a ground for a continuance. Finally, since the defendant has resigned as Sheriff, this will provide him with even more time to prepare for the March 23<sup>rd</sup> trial date.

In accordance with the reasons stated above, this Motion for Continuance should be denied.

Respectfully submitted,

JULIA C. DUDLEY  
United States Attorney

s/ Thomas J. Bondurant, Jr.  
Chief, Criminal Division  
United States Attorney's Office  
Western District of Virginia  
VSB #18894

#### C E R T I F I C A T E

I hereby certify that a true and correct copy of the foregoing Government's Response To Defendant Taylor's Pretrial Motions has been electronically filed by CM/ECF system which will send notification of such filing to all Counsel of Record, on this 26<sup>th</sup> day of February, 2009.

s/ Thomas J. Bondurant, Jr.  
Chief, Criminal Division  
United States Attorney's Office  
Western District of Virginia  
VSB Code # 18894

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<sup>2</sup>Mr. Barger touts himself as a "Super Lawyer" on his website.